

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM CUNNINGHAM, *et al.*,

Plaintiffs,

Case No. 21-cv-10781
Hon. Matthew F. Leitman

v.

FORD MOTOR COMPANY,

Defendant.

**ORDER (1) DIRECTING PARTIES TO FILE SUPPLEMENTAL BRIEFS
AND (2) AMENDING SUPPLEMENTAL BRIEFING SCHEDULE**

On June 15, 2022, the Court held a hearing on Defendant Ford Motor Company's motion to compel arbitration. (*See* Mot., ECF No. 29.) At the conclusion of the hearing, the Court directed Plaintiffs to file supplemental briefs of no more than five pages.

The Court has reviewed the record again and will allow Plaintiffs to file a supplemental brief of up to **ten** pages addressing (1) the new cases identified by Ford on the record during the hearing (*i.e.*, *Lyman v. Ford Motor Co.*, 2022 WL 856393 (E.D. Mich. Mar. 22, 2022) and *Straub v. Ford Motor Co.*, 2021 WL 5085830 (E.D. Mich. Nov. 2, 2021)) and (2) Ford's argument that under *Swiger v. Rosette*, 989 F.3d 501 (6th Cir. 2021), and the other cases cited in Ford's briefs that the question of whether Ford may invoke the arbitration provision at issue here is a question to be

decided in the first instance by the arbitrator. Ford may file a response, of no more than **ten** pages, to Plaintiffs' supplemental brief.

In light of the Court expanding the scope of the supplemental briefs, it will provide the parties additional time to file those briefs. Plaintiffs shall file their supplemental brief by no later than **June 29, 2022**, and Ford shall file its response to that brief by no later than **July 13, 2022**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 15, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 15, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager
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